

REMARKS/ARGUMENTS

Applicants would like to thank the examiner for the careful consideration given the present application. By the present amendment, claims 1-5 and 7-20 remain in the application while claim 19 is amended. Applicants respectfully request reconsideration and allowance. Furthermore, applicants request a personal interview with the Examiner in this case prior to the next Office action.

Claim Rejections - 35 USC § 101

Claims 19 and 20 are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. Claim 19 has been amended to be tied to a particular machine or apparatus per the examiner's comments. Thus, it is respectfully requested that the rejection of claims 19 and 20 be withdrawn.

Claim Rejections - 35 USC § 103

Claims 1, 2, 4, 5, 7-10, 12, and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,473,523 by Newman *et al.*, hereinafter "Newman", and further in view U.S. Pub. No. 2002/0051575 by Myers *et al.*, hereinafter "Myers". The rejection is respectfully traversed for at least the following reasons.

Independent claim 1, as amended, explicitly requires "a cursor information output unit, which outputs cursor position information showing a position of a character frame, wherein the character frame includes vertical marks and horizontal lines to be used for separating *each of the individual characters* of the plurality of characters in each character image *from each other*" (emphasis added). Claim 1 further requires "a display that simultaneously displays a cursor, which includes the character frame, with the continuous still image *at the time of capturing the continuous still image*". (emphasis added)

Newman fails to teach or suggest the above-mentioned limitations. It is noted that the examiner reads the “viewfinder” (4) and the “cursor crosshairs” (90 and 92) in Newman (Fig. 13) as the “character frame” in claim 1. However, claim 1 explicitly requires that the character frame is used for “separating *each of the individual characters* of the plurality of characters in each character image *from each other*” (emphasis added). By contrast, neither the viewfinder nor the cursor crosshairs in Newman is used for separating each of the individual characters from each other as set forth in claim 1. The viewfinder is used for displaying the whole character image (see col. 3, lines 20-26) but not for separating the individual characters from each other. The cursor crosshair is used for providing the coordinates of the whole character image (see col. 5, lines 6-13) but not for separating the individual characters, either. In addition, the passage in Newman (col. 6, lines 10-15) cited by the examiner in the Response to Amendment and Arguments merely discloses an OCR application for locating positions of margins and bounding boxes of the text objects in the image, but does not teach or suggest that the viewfinder or the cursor crosshair in Newman is for “separating *each of the individual characters* of the plurality of characters in each character image from each other” as required by claim 1.

Myers also fails to disclose the above-mentioned limitations. It is noted that the examiner cites Fig. 11 of Myers in the Response to Amendment and Arguments as evidence of teaching the “character frame” in claim 1. According to Myer, Fig. 11 merely shows the test image with recognition results overlaid on the normalized image *after the rectification and OCR process* (see [0087]). Therefore, even if the examiner considers Fig. 11 as having the character frame, the character frame in Fig. 11 is not displayed *at the time of capturing* the continuous still image as *required* by claim 1, but only *after* the rectification and OCR process.

In the Advisory action, the Examiner responds that “the Applicant argues...that Myers discloses character frame in FIG. 11 is ‘not displayed at the time of capturing the continuous still image but is after the rectification and OCR process’ [but that] this argument is moot since the claim’s language is broad and thus one ordinary skill in the art does not have to interpret in this manner (see MPEP 2111).” But this ignores the plain and unambiguous language of the claim itself, which specifically recites that the device have a display that “simultaneously displays a cursor, which includes the character frame, with the continuous still image *at the time of capturing the continuous still image*” (emphasis added). Thus, the device of claim 1 is clearly required to operate in the manner argued above, and the Examiner cannot broaden the claim language beyond its plain meaning. There is no reasonable interpretation of the language “*at the time of capturing the continuous still image*” as being *after* the rectification and OCR process, as apparently argued by the Examiner, and thus the Examiner’s arguments cannot stand. One cannot interpret the claim language counter to its reasonable interpretation as the Examiner attempts to do merely by arguing that the claims can be read broadly (the Examiner’s reading is not “broader”, it is contrary to any reasonable interpretation of the claim), and because it is clear that the reference does not teach the cited feature, the claim is therefore patentable over the reference.

In view of the differences between the claimed subject matter and the cited references, applicants respectfully submit that claim 1 is allowable over the references, and withdrawal of the rejection is respectfully requested.

Regarding independent claims 5 and 19, similar to the explanation above with respect to the patentability of claim 1, both Newman and Myers fail to teach or suggest all limitations as required in claims 5 and 19. Therefore, applicants respectfully submit that independent claims 5

and 19 are allowable over the references, and withdrawal of the rejections is respectfully requested.

Claims 2, 4, 7-10, 12, 17, 18, and 20 depend from any one of independent claim 1, 5, or 19 and are, therefore, allowable for at least the reasons provided in support of the allowability of claims 1, 5, and 19.

Claims 3 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Newman and Myers, and further in view of U.S. Patent Pub. 2003/0169923 by Butterworth. Claims 3 and 16 depend from either independent claim 1 or 5 and are, therefore, allowable for at least the reasons provided in support of the allowability of claims 1 and 5.

Claims 11, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable the combination of Newman and Myers, and further in view of U.S. Patent Pub. 2002/0131636 by Hou. Claims 11, 13, and 14 depend from independent claim 5 and are, therefore, allowable for at least the reasons provided in support of the allowability of claim 5.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable the combination of Newman and Myers, and further in view of U.S. Patent 7,188,307 by Ohsawa. Claim 15 depends from independent claim 5 and is, therefore, allowable for at least the reasons provided in support of the allowability of claim 5.

The present amendment after final rejection is made without adding any new limitation or changing the scope of the claims. Therefore, the amendment should be entered under 37 CFR § 1.116.

In consideration of the foregoing analysis, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the examiner is invited to

initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No.: NGB-37577.

Respectfully submitted,
PEARNE & GORDON, LLP

By: / Robert F. Bodi /
Robert F. Bodi, Reg. No. 48,540

1801 East 9th Street
Suite 1200
Cleveland, Ohio 44114-3108
(216) 579-1700

Date: April 29, 2010